

**A REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Acting Chair Joann Conaway in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, January 16, 2017, at 1:00 p.m. with the following Commissioners in attendance: Manubhai “Mike” C. Karia, Harold Gray, and Kim Drexler. **CHAIR WINSLOW ATTENDED VIA PHONE BUT DID NOT PARTICIPATE IN VOTING.**

The following Staff members were in attendance: Robert Howatt, Matthew Hartigan, Thomas Walsh, Deputy Attorney General, Robert Willard, Deputy Attorney General, Joshua Bowman, Lisa Driggins, Joseph DeLosa, and Donna Nickerson.

Before business began, Acting Chair Conaway welcomed the newest member of the Delmarva Power & Light Company’s legal team, Ms. Lindsay Orr, Esquire.

2. Commissioner Drexler moved to approve the meeting minutes from the December 21, 2017 Commission meeting and seconded by Commissioner Karia; the motion carried 4-0.
3. CONSENT AGENDA ITEMS:

A motion was made by Commissioner Karia to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF TIME CLOCK SOLUTIONS, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A RESELLER OF TELECOMMUNICATIONS SERVICES AND FOR APPROVAL OF AN INTRALATA TOLL DIALING PLAN (FILED NOVEMBER 3, 2017) – PSC DOCKET NO. 17-1133

Commission to consider Staff Memorandum and proposed Order No. 9165.

IN THE MATTER OF THE APPLICATION OF BIRCH COMMUNICATIONS, OF THE NORTHEAST INC. FOR CONSENT TO AN INTRACORPORATE REORGANIZATION AND NOTICE BY NETWORK BILLING SYSTEMS, LLC OF A PROPOSED CHANGE TO ITS OWNERSHIP AND INTENT TO PARTICIPATE IN NEW FINANCING ARRANGEMENTS (FILED DECEMBER 4, 2017) – PSC DOCKET NO. 17-1192

Commission to consider Staff Memorandum.

IN THE MATTER OF THE APPLICATION OF MAGICJACK VOCALTEC LTD. ("MJVT") AND B. RILEY FINANCIAL, INC. FOR INDIRECT CHANGE IN CONTROL OF MJVT AND ITS INDIRECT WHOLLY-OWNED SUBSIDIARY YMAX COMMUNICATIONS CORPORATION. (FILED DECEMBER 14, 2017) – PSC DOCKET NO. 17-1208

Commission to consider Staff Memorandum.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFF (FILED DECEMBER 20, 2017) – PSC DOCKET NO. 17-1222

Commission to consider Staff Memorandum and proposed Order No. 9169.

The motion was seconded by Commissioner Gray; motion carried 4-0.

4. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE ESTABLISHMENT OF THE ANNUAL MOTOR VEHICLE DEALERS ASSESSMENT FOR 2018 (FILED JANUARY 3, 2018) – PSC DOCKET NO. 18-0004

Thomas Walsh, Esquire, appeared on behalf of Staff.

A motion was made by Commissioner Drexler and seconded by Commissioner Karia to adopt Order No. 9168; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE ADOPTION OF RULES AND PROCEDURES TO IMPLEMENT THE RENEWABLE ENERGY PORTFOLIO STANDARDS ACT, 26 *DEL. C.* §§ 351-363, AS APPLIED TO RETAIL ELECTRICITY SUPPLIERS (OPENED AUGUST 23, 2005; REOPENED SEPTEMBER 4, 2007; AUGUST 5, 2008; SEPTEMBER 22, 2009; AUGUST 17, 2010; SEPTEMBER 6, 2011, SEPTEMBER 18, 2012; FEBRUARY 2, 2017) – PSC REGULATION DOCKET NO. 56

Thomas Walsh, Esquire, and Joseph DeLosa appeared on behalf of Staff.

Andrew Slater and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

Devera Scott, Esquire, appeared on behalf of the Department of Natural Resources and Environmental Control.

A motion was made by Commissioner Gray and seconded by Commissioner Drexler to adopt Order No. 9016 as submitted; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C ("LANDS OF R&K PARTNERS")(FILED NOVEMBER 29, 2017) – PSC DOCKET NO. 17-1163

Robert Willard, Esquire, appeared on behalf of the Staff.

James Nutter, Esquire, Parkowski, Guerke & Swayze, P.A., Kirsten Higgins appeared on behalf of Tidewater Utilities, Inc.

Michael Hoffman, Esquire, Tarabico Grosso, LLP, appeared on behalf of Board Works of the City of Lewes.

A motion was made by Commissioner Drexler and seconded by Commissioner Karia to adopt Order No. 9167 as presented; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT
COMPANY FOR APPROVAL TO ISSUE UP TO \$350 MILLION OF DEBT
SECURITIES (FILED NOVEMBER 16, 2017) PSC DOCKET NO. 17-1205

Thomas Walsh, Esquire, and Constance McDowell appeared on behalf of Staff.

Todd Goodman, Esquire, appeared on behalf of Delmarva Power & Light Company

A motion was made by Commissioner Karia and seconded by Commissioner Drexler to adopt Order No. 9155; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF APPLICATION OF DIAMOND STATE SUSTAINABILITY
CORPORATION FOR APPROVAL TO BEGIN THE BUSINESS OF PROVIDING
WASTEWATER PUBLIC UTILITY SERVICE IN THE STATE OF DELAWARE
PURSUANT TO 26 DEL. C. § 203A AND FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO
THE EXISTING DEVELOPMENT OF COUNTRY GLEN II LOCATED EAST OF
THE TOWN OF BRIDGEVILLE, SUSSEX COUNTY, DELAWARE PURSUANT TO
26 DEL. C. § 203D (SUBMITTED JUNE 2, 2017; FILED NOVEMBER 17, 2017) –
("COUNTRY GLENN II") PSC DOCKET NO. 17-0414

Thomas Walsh, Esquire, and Lisa Driggins appeared on behalf of Staff.

James Nutter, Esquire, Parkowski, Guerke & Swayze, P.A., appeared on behalf of Diamond State Sustainability Corporation.

A motion was made by Commissioner Gray and seconded by Commissioner Karia to adopt Order No. 9163 as submitted; motion carried 4-0.

A verbatim transcript was made of this proceeding.

Upon the request of the Division of the Public Advocate, Docket Nos. 17-1239 and 17-1240 would be heard together.

IN THE MATTER OF THE REGULATORY IMPACT OF THE TAX CUTS AND JOBS ACT OF 2017 ON RATE REGULATED UTILITIES AND CUSTOMERS (FILED DECEMBER 28, 2017) – PSC DOCKET NO. 17-1239

IN THE MATTER OF THE PETITION OF DELAWARE DIVISION OF THE PUBLIC ADVOCATE TO REDUCE THE RATES OF REGULATED UTILITIES AS A RESULT OF THE TAX CUTS AND JOBS ACT OF 2017'S REDUCTION IN CORPORATE INCOME TAXES AND OTHER TAX CHANGES (FILED DECEMBER 28, 2017) – PSC DOCKET NO. 17-1240

Thomas Walsh, Esquire, and Robert Howatt appeared on behalf of Staff.

Robert Willard, Esquire, appeared on behalf of the Commission.

David Spacht appeared on behalf of Artesian Water Company.

Todd Goodman, Esquire, appeared on behalf of Delmarva Power & Light Company.

William O'Brien, Esquire, appeared on behalf of Chesapeake Utilities Corporation.

Larry Finnigan appeared on behalf of Suez Water Delaware.

Bruce O'Connor appeared on behalf of Tidewater Utilities, Inc.

Andrew Slater and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Gray and seconded by Commissioner Drexler to adopt Order No. 9166 as submitted; motion carried 4-0.

A verbatim transcript was made of this proceeding.

5. DIRECTOR'S COMMENTS

Mr. Howatt announced that there would be three upcoming Public Comment Sessions regarding Docket No. 17-1094, Delmarva Power & Light Company, Plug In Vehicle Charging: 1) Tuesday, January 16, 2018, 6:00 P.M., Gilliam Building Multi-Purpose Room, 67 Reads Way, New Castle, DE and; 2) Wednesday, January 17, 2018, 6:00 P.M., Dover Office and; 3) January 17, 2018, Dover office and; 3) January 18, 2018, 6:00 P.M., Indian River Senior Center, 214 Irons Ave., Millsboro, DE.

Mr. Howatt also announced the next Commission meeting would be held Thursday, February 1, 2018.

There was no further business and the meeting adjourned approximately at 2:35 P.M.

Respectfully submitted,

/s/ Donna Nickerson

Secretary